

**Applicant:** James A. Proctor, Jr.  
**Application No.:** 10/767,843

### **REMARKS/ARGUMENTS**

After the foregoing Amendment claims 1-4, 8-11, 13-14, 18-20 and 42-43 are currently pending in this application. Claims 5-7, 12, 15-17 are cancelled without prejudice and claim 21 was previously cancelled. Claims 22-41 were previously withdrawn. Claims 1, 2 and 11 are amended. New claims 42-43 are added. Applicant submits that no new matter has been introduced into the application by these amendments.

#### **Double Patenting Rejection**

Claim 1 is provisionally rejected under the judicially created doctrine of non-statutory obviousness-type double patenting as being unpatentable over claim 30 of U.S. Patent Application No. 10/717,995. Applicant believes that Claim 1, as amended, is patentably distinct from claim 30 of U.S. Patent Application No. 10/717,995 and respectfully requests withdrawal of the double patenting rejection.

#### **Claim Rejections - 35 USC §103**

Claims 1, 2, 5-7, 11-12 and 15-17 are rejected under 35 USC §103(a) as being unpatentable over U.S. Patent No. 6,324,160 to Martin et al. (hereinafter “Martin”) in view of U.S. Patent No. 6,332,008 to Giallorenzi et al. (hereinafter “Giallorenzi”) and U.S. Patent No. 7,272,163 to Hao et al. (hereinafter “Hao”).

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Independent claims 1 and 11, as amended, are not taught or disclosed by the cited references. In part, claims 1 and 11 now recite a first plurality of reverse link signals and a second plurality of reverse link signals in a time interval. The reverse link signal of the first plurality of reverse link signals being derived from a common pseudo noise (PN) sequence and an unique orthogonal sequence. The reverse link signal of the second plurality of reverse link signals being derived from a unique pseudo noise (PN) sequence. Applicant believes claims 1, 2, and 11-12 are allowable over the cited references and respectfully requests withdrawal of the rejection.

Claims 3-4, 8-10, 13-14 and 18-20 are rejected under 35 USC §103(a) as being unpatentable over Martin, Giallorenzi and Hao as applied to claims 1 and 11 above, and further in view of U.S. Patent Application Publication No. 2007/0076583 to Hadad. Claims 3-4, 8-10, 13-14 and 18-20 are dependent from independent claims 1 and 11, respectively, and are believed allowable for the reasons stated above. Applicant respectfully requests withdrawal of the rejection.

New claims 42-43 are believed allowable for the reasons stated above and Applicant respectfully requests allowance of same.

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**Conclusion**

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephonic interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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